1 2 3 4 5 6 7	MICHAEL L. TRACY, ESQ. (SBN 237779) mtracy@michaeltracylaw.com MEGAN ROSS HUTCHINS, ESQ. (SBN 227 mhutchins@michaeltracylaw.com LAW OFFICES OF MICHAEL L. TRACY 2030 Main Street, Suite 1300 Irvine, CA 92614 T: (949) 260-9171 F: (866) 365-3051 Attorneys for Plaintiff DAVID ZAITZEFF	776)	
8	UNITED STATES DISTRICT COURT		
9	CENTRAL DISTRICT OF CALIF	FORNIA – WESTERN DIVISION	
10	DAVID ZAITZEFF, et al.,	) Casa No. CV 08 2874 MMM (IXVI)	
11 12	Plaintiff,	) Case No. CV 08-2874 MMM (JWJx) ) PLAINTIFF'S OBJECTIONS TO	
13	VS.	EVIDENCE SUBMITTED IN MOTION TO DISMISS	
14		)	
15	al.,	) Judge: Hon. Margaret M. Morrow	
16	Defendants.	)	
17		)	
18	Plaintiff, David Zaitzeff submits the follow	ving objections to "evidence" submitted by	
19	Defendant Peregrine Financial Group, Inc.	ing objections to evidence submitted by	
20	Objections to Declaration of Rebecca J. Wing		
21	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTION	
22	5. From March 20, 2006 through his	The declarant does not establish an adequate	
23	resignation on March 2, 2008, David	factual foundation to support the statement.	
<ul><li>24</li><li>25</li></ul>	Zaitzeff was an Associated Person of PFG	(See FRE 601-602). Contradicted by other	
26	and was registered with the NFA as an	statements in the same declaration. Exhibit 2	
27	Associate Member.	P. 17 shoes that NFA does not have an	
28		"Associate Member" category, only an	
	-1-		
	PLAINTIFF'S OBJECTIONS TO EVIDENCE SUBMITTED IN MOTION TO DISMISS		

"Associate" (¶6511.3) category and a "Member" (¶6511.10) category.  The content of the statement is irrelevant and immaterial to any issue presented in this motion. (FRE 401 and 402.) Declarant does not say what an "Associated Person" is nor why this status would be relevant.  8 6. The "Associated Person Agreement" attached as Exhibit I was entered into freely and voluntarily and negotiated at arm's length.  10 and voluntarily and negotiated at arm's length.  12 Conclusory, unsupported statements are not sufficient to create a material fact. (Hansen v. United States, 7 F.3d 137 (9th Cir. 1993)).  14 8. On May 16, 2008, PFG filed a Statement of Claim against Zaitzeff in arbitration before the NFA seeking reimbursement for a deficit in an account on Zaitzeff's equity run and other damages and a ruling that Zaitzeff was in independent contractor and not and employee of PFG and that he was not entitled to offsets against the amount he owed PFG because of the alleged violations of federal and state law that are contained in his instant Complaint.  12 PLAINTIEF SORIFCTIONS TO EVIDENCE SUBMITTED IN MOTION TO DISMISS.			
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24 his instant Complaint.  25	22	owed PFG because of the alleged violations	
25   26   /// 27   /// 28	23	of federal and state law that are contained in	
26	24	his instant Complaint.	
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PLAINTIFF'S ORIECTIONS TO EVIDENCE SURMITTED IN MOTION TO DISMISS	28		
		-2- PLAINTIFF'S OBJECTIONS TO EVIDENCE SUBMITTED IN MOTION TO DISMISS	

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2	DATED: May 30, 2008	LAW OFFICES OF MICHAEL L. TRACY
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4	By:	_/s/ Michael Tracy
5	F	MICHAEL TRACY, Attorney for Plaintiff DAVID ZAITZEFF
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